IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 112 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 31/12/2004 in WP NO : 19478 OF 2004 on the file of the High Court.)

Between:

Gajula Madhavi Durga Bhavani, W/o Gajula Manikyala Rao,
R/o D.No. 1-1 and 4-15, Main Road, Penugonda, Penugonda Mandal, West Godavari District.

..... APPELLANT/PETITIONER NO.3.

AND

1 The District Collector, West Godavari District, Eluru.
2 The Penugonda Gram Panchayath, Penugonda, Penugonda Mandal, West Godavari District, rep. by its Secretary.
3 Javvadi Sree Ranga Nayakulu,
4 Javvadi Vijaya Venkata Ram,
5 Kottani Naga Mani
6 Konala Narendra Reddy,
7 Konala Hymavathi,
8 Shaik Ahmed Ali,
9 Kottani Vishnu,
10 Nooli Veera Venkata Prabhakara Rao,
11 Nooli Rangaiah,
12 Nooli Satyanarayana Murthy,
13 Nooli Lakshmana Swamy,
14 Grandhi Venkata Lakshmi Somaraju Mutyalu,
15 Atyam Vasu Deva Rao,
16 Inkula Kasi Viswanadham Gupta,
17 Kotla Krishna Rao,

18 Kotla Surya Rao,
19 Tamanapudi Chiranjeevi Reddy,
20 Tamanapudi Satyanarayana Reddy,
21 Beella Simhachalam,
22 Beella Sitamahalakshmi,
23 Tamanampudi Venkata Reddy,

(Petitioners 1, 2, 4 to 22 in the writ petition are not pressing writ appeal hence they are shown as respondents and they are not necessary parties to this writ appeal).

.....RESPONDENT(S)

Counsel for the Appellant:MR.KURITIBHASKARA RAO

Counsel for the Respondent No.1 : The G.P. for Revenue.

Counsel for the Respondent No.2 : The GP for Panchayat Raj & Rural Development and Mr.D.Srinivas, Advocate.

Counsel for the Respondents 3 to 23: None appeared.

The Court at the admission stage made the following Judgment: (per Sri Devinder Gupta, CJ)

Appellant's writ petition was dismissed by the learned single judge after making certain observations. The grievance of the appellant is that after dismissal of the writ petition, instead of taking over 5 feet area of the appellant's property, respondents had marked area upto 15 feet, which cannot be taken by the respondents, except, in accordance with law.

Learned counsel for the appellant stated that he had instructions from the appellant

to state that for demolishing the structures over 5 feet area, appellant has no objection. Thus, notice was issued to the respondents calling upon them to file reply, if any. In view of the submission of the learned counsel for the appellant, direction was issued to the respondents that beyond 5 feet area, respondents shall not cause any damage to the appellant's property, except, in accordance with law.

Learned counsel for the respondents, on instructions, now states that respondents have no intention to take any area beyond 5 feet of the appellant's property and in case respondents would like to take additional area beyond 5 feet, they will initiate appropriate proceedings for taking over such area.

In view of the submission of the learned counsel for the parties, we dispose of the writ appeal with the observation that in case respondents would like to take beyond 5 feet area of the appellant, the same will be taken over only after complying with the provisions of law and after adequately compensating the appellant.

The writ appeal stands disposed of accordingly. No costs.

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DEVINDER GUPTA,CJ

DATE: 24th March, 2005

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B. SESHASAYANA REDDY,J

Pnb

To

1 The District Collector, West Godavari District, Eluru.
2 The Secretary, Penugonda Gram Panchayath, Penugonda, Penugonda Mandal, West Godavari District.

3 Two C.Cs. to the Govt. Pleader for Revenue, High Court Buildings, Hyderabad. (OUT)

4 Two C.Cs. to the GP for Panchayat Raj & Rural Development, High

Court Buildings, Hyderabad (OUT)

5 Two C.D. copies